



WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**  
Peter Goldmark - Commissioner of Public Lands

## Right-of-way Application Instructions & Information

The Right-of-way Application is an official request to use or obtain access across State trust land managed by the Washington Department of Natural Resources (DNR). The application is used to assess the feasibility of the applicant's proposal from legal, environmental and land management perspectives.

Prior to submitting an application, or if you have any questions regarding the Right-of-way Application, please consult with a DNR region representative at the appropriate region office listed below.

Region/Phone #	Address	Counties Served
Northeast Region (509) 684-7474	225 South Silke Road P.O. Box 190 Colville, WA 99114	Lincoln*, Spokane, Stevens, Pend Oreille, Ferry, Okanogan
Northwest Region (360) 856-3500	919 North Township St. Sedro Woolley, WA 98284	Whatcom, Island, San Juan, Skagit, Snohomish*
Olympic Region (360) 374-6131	411 Tillicum Lane Forks, WA 98331	Clallam, Jefferson, Grays Harbor* (north half)
South Puget Sound Region (360) 825-1631	950 Farman Street North Enumclaw, WA 98022	Pierce, King, Kitsap, Mason, Lewis*, Thurston*, Snohomish*
Southeast Region (509) 925-8510	713 Bowers Road Ellensburg WA 98926	Adams, Benton, Douglas, Chelan, Franklin, Grant, Kittitas, Yakima, Klickitat, Walla Walla, Columbia, Whitman, Garfield, Asotin, Lincoln*
Pacific Cascade Region (360) 577-2025	601 Bond Road P.O. Box 280 Castle Rock, WA 98611	Wahkiakum, Cowlitz, Clark, Skamania, Thurston*, Lewis*, Pacific, Grays Harbor* (south half)

\*Two regions share jurisdiction in these counties

***The Department may deny an incomplete application. The submittal and acceptance of this application does not constitute a grant of any right and does not guarantee a grant of any right. All grants will be made by an ensuing easement or permit.***

## I. Applicant Information

### PART A: Applicant

- (1) **Name:** Enter the full legal name of the entity(ies) requesting access. (Enter the name as it is intended to be shown on the easement or permit, if granted.)
- (2) **Date:** Enter the date of which this application is made.
- (3) **Address:** Enter the applicant's mailing address.
- (4) **Phone 1:** Enter the applicant's primary contact number.  
**Phone 2:** Enter the applicant's secondary contact number.

*If you wish to add additional contact numbers, please include them on a separate attachment.*

- (5) **E-mail:** *Optional.* Enter the applicant's e-mail address.
- (6) **Billing Address:** *Optional.* Enter billing address if different from the address listed above.
- (7) **Legal Entity:** Check the applicable entity.

ENTITY	DESCRIPTION
Individual, Multiple Individuals, or Married Couple	May include single persons, joint tenancy (two or more persons are joint and equal owners of the property); guardians of incompetent persons or minors; tenancy in common (multiple owners who have an undivided interest in the whole property); joint ownership of community property; List spouses or other individual's names. Include middle names.
Corporation	May include: Corporations Sole (bishops, overseers, presiding elders of any church or religious domination); Non-profit Corporations; Sole Proprietorship List state of registration.
General Partnership	Guided by the Uniform Partnership Act (Chapter 25.04 RCW).
Limited Liability Company (LLC)	Guided by Chapter 25.25 RCW. Formed when filed a Certificate of Formation is filed with the State. List state of registration.
Limited Partnership	Guided by the Washington Uniform Limited Partnership Act (RCW 25.10.010). List state of registration.
Governmental Agency	Cities, towns, Indian lands, federal agencies (BIA, BLM, BPA, etc.), state agencies, counties, public utility districts, school districts, diking districts, irrigation districts, etc.
Other	Please describe: May include, but not limited to: fraternal societies, granges, agricultural cooperative societies, churches, trustees, etc.

**(8) Relationship to Applicant:** If you are applying on behalf of yourself, check “Self”. If you are applying on behalf of a corporate, governmental, or other entity, check “Representative”.

***If “Representative” is checked, complete “Part B. Applicant’s Representative”. If “Self” is checked, proceed with “Section II. Right-of-way Proposal”.***

## **PART B: Applicant’s Representative**

**(a) Representative Name and Title:** Enter full name and working title of representative (e.g., Manager, Executive Officer, Attorney, County Commissioner, Engineer).

**(b) Type of Representative:** List type of representative. Representatives may include:

- Executor/Administrator - Confirmed, appointed, or acting under the order of a court.
- Guardian –Confirmed, appointed, or acting under the order of a court.
- Trustees – May be appointed in numerous situations to act on the behalf of the deceased, corporations, etc.
- Attorney at Law – May act as landowners representative, but may not contract or convey in the place or name of the landowner.
- Attorney-in-Fact – Acts on behalf of the landowner with written power of attorney from landowner. This person may not be an attorney.
- Consultant or Agent – Appointed or acting on behalf of the landowner.

**(c) Address:** Enter the representative’s mailing address.

**(d) Phone:** Enter the representative’s primary contact number.

**(e) E-mail:** *Optional.* Enter the representative’s e-mail address.

## **II. Right-of-way Proposal**

### **PART A: Description**

**(9) What are you applying for?** Check easement and/or permit. The department may grant access across State lands in two forms:

- Permit or License
- Easements

Permits and licenses are a permissive use of the landowner's land. They are revocable at will of the owner and are not assignable, transferable, or inheritable. Permits or licenses may be granted for other short-term temporary proposals.

Easements are a privilege to use the land of another or an interest in the land. They are a legal grant of property rights that are assignable, transferable, inheritable, and non-revocable unless there are terms in the easement allowing termination or by mutual consent of both parties. Easements may be granted in perpetuity (forever) or terminate on a given date. It is the sole decision of the State whether you will be granted a permit or easement for your state purpose.

**(10) Estimated Start Date of Proposal:** Enter the estimated start date of your proposal.

**(11) Length of Time requested for the easement or permit:** Enter the length of time needed for the easement or permit in years or months.

There is no guarantee that the easement or permit will be granted for the requested length of time.

**(12) Type of Use:** Check all that apply and enter the requested information for each type requested, including measurements (width, length, and acres). Each easement or permit is granted for a specific type and purpose, e.g., utility easement for electrical transmission line.

The following lists the common types of uses that the Department grants.

- Movement of valuable materials across public lands. ([RCW 79.36.350](#))
- Road rights-of-way for local governments and state agencies. ([RCW 79.36.440](#))
- Railroad rights-of-way. ([RCW 79.36.450](#))
- Irrigation ditches, drainage ditches, and diking projects by organized districts. ([RCW 79.36.540](#))
- Utility and communication lines. ([RCW 79.36.510](#))
- Overflow rights. ([RCW 79.36.570](#))
- Other purposes as determined on a site-specific basis by the Department

**(13) Describe the proposed use of DNR-managed land and the benefitting parcel:**

- (a) Explain the proposed use of the right-of-way on DNR-managed land, i.e., hauling timber, hauling rock, bury a fiber optic line, etc.
- (b) If the easement or permit will benefit a specific parcel or parcels, describe the use of the benefitting parcel (e.g., forest management, residential property, vineyards, rock pit).

**(14) Volume of timber, rock, or agricultural products: *Road Use Permits Only* -** Enter the volume of timber in thousand board feet (Mbf), the cubic yards or tons of rock; or a common measurement of other valuable materials. Also, include the number of acres from which valuable material will be removed.

**(15) Removal of valuable materials:** Check appropriate box. If valuable materials will be removed, enter the estimated volume in thousand board feet (Mbf) that will be removed during the term of the permit or easement.

- (16) Aquatic Lands:** Check appropriate box. Please contact Aquatic Resources Division at (360) 902-1100 if the proposed right-of-way crosses aquatic lands or if you don't know if the proposal crosses aquatic lands. See "[Boundaries of State-owned Aquatic Lands](#)" for assistance in determining where State-owned aquatic lands begin and end.

## PART B: Location

- (17) Legal description of right-of-way proposal:** Enter the legal description for each section, township, and range of the proposed right-of-way and the proposed use on DNR-managed land. For example:

Subdivision (¼¼ or Lot #)	Section	Township	RANGE	County	Type of Use as listed in Part II.A. above
SW¼SW¼	16	17	2 <input checked="" type="checkbox"/> W <input type="checkbox"/> E	Thurston	Road – Resource Use
SW¼NW¼	16	17	2 <input checked="" type="checkbox"/> W <input type="checkbox"/> E	Thurston	Road – Resource Use; Utility – Electrical Distribution Line

***Please attach an additional sheet if additional legal descriptions apply.***

- (18) Map:** Please include a copy of the map showing the proposed right-of-way. ***At a minimum, the applicant is responsible for submitting a preliminary map for review by the Department prior to acceptance of this application.***

- (a) A Record of Survey meeting **requirements of Title 58 RCW and Chapter 332-130 WAC**, created by or under the direct supervision of a Licensed Professional Land Surveyor, is required to be submitted prior to the final issuance of a permit or license as determined by the Department and for the following types of rights-of-way:

- New construction.
- County roads and highways.
- Utilities.
- Drainage or irrigation easements.
- Railroads.
- Realignment of existing roads.
- Any grant across aquatic lands. Exemptions are provided for recreational docks and mooring buoys per [RCW 79.90.105](#) and for those permits issued as a right-of-entry.

The Department allows the submission of a preliminary map with an application for an easement grant as a precursor to the applicant submitting a record of survey.

### **The applicant is responsible for:**

- All costs and work associated with creating, submitting, revising and recording the Record of Survey.
- Submitting a preliminary Record of Survey for review and approval by the Department prior to approval of the agreement.
- Recording the final Record of Survey with the county auditor's office.

- iv) Submitting a digital copy in AutoCAD.DWG or DXF (drawing exchange format) of the final survey.
- v) Submitting two full size copies and one 8½" X 11" copy and of the recorded survey including the auditor's recording information to the Department.

**PLEASE CONTACT THE REGION OFFICE FOR A LIST OF SPECIFIC REQUIREMENTS FOR RECORDS OF SURVEY.**

(b) Please include a preliminary map (preliminary map may be produced from orthophotos, USGS Quad maps, engineered road plans, etc.) on 8½" X 11" white paper **for all other easement and road use permit grants over existing roads** that includes the following:

- Applicant/grantee name.
- Section, township and range.
- County.
- Show section or sub-division lines.
- State the width, length and acres of the right-of-way.
- Differentiate with mapping symbols new construction, reconstruction, and existing road segments.
- Clearly label grantor parcel.
- Legend.
- North arrow.
- Scale bar.
- Orthophoto identification number and date if the right-of-way was drawn from an orthophoto.
- Drawn to a scale of sufficient size and detail to clearly show the location and dimensions of the proposed right-of-way.
- **Any other data necessary for the complete understanding of the exhibit map. If, in the opinion of the department, such information is lacking, the map may be rejected.**

The Department of Natural Resources [Forest Practice Mapping Tool](#) may be used to create the preliminary map.

**Revisions:** Due to the nature of road construction, the as-built location of the road may differ from the mapped location. The Department may require a revised map or survey to reflect the as-built location. The applicant will be responsible for recording the revised map with the county.

**(19) Legal description of benefitting parcel:** *If you have a copy of the deed showing the parcel requiring access, please include a copy of the deed with the application. If a deed is attached or if the proposed right-of-way does not access a specific parcel (such as a utility transmission line), question 19 does not need to be completed.*

Enter the legal description for each section, township, and range of the parcel that will be served by the easement or permit. Per the above example in question 17, road and utility access is desired across portions of Section 16, Township 17 North, Range 2 West, W.M., in Thurston County to access a parcel in the N½, Section 17, Township 17 North, Range 2 West, W.M. in Thurston County. The following would be entered into the table on the application:

Subdivision (1/4 1/4 or Lot #)	Section	Township	RANGE		County
N1/2	17	17	2	<input checked="" type="checkbox"/> W <input type="checkbox"/> E	Thurston

***Please attach an additional sheet if additional legal descriptions apply. For complex legal descriptions please contact the region.***

### III. Disclaimer and Signature

Please sign and date the application. By signing and dating the application, you have certified that the answers are true to the best of your knowledge.

#### Application Processing

This application will be reviewed by the Department of Natural Resources upon receipt by Product Sales & Leasing Division, Rights-of-way Program, at P.O. Box 47016, Olympia, WA 98504-7016. Applicants will be notified in writing if the application is accepted for further review. This application may be rejected at any time during the application process.

Completion of this application form and notice of acceptance of the application is not approval of your project. An executed **permit or easement is required to operate on state lands.**

#### Other Requirements

Copies of all approved government regulator permits must be submitted to one of the DNR region offices before issuance of a DNR right-of-way agreement. Your project may require the following permits or environmental reviews:

- Forest Practice Application (FPA): Required by Department of Natural Resources, Forest Practices Division for activities conducted on forest lands related to growing, harvesting or processing timber and are regulated by the Forest Practices Act. Activities include road construction and maintenance, thinning and salvage of trees, harvesting, reforestation, brush control, and using fertilizers or pesticides.
- Hydraulic Project Approval (HPA): Required by the Department of Fish and Wildlife if the project includes work that will use, divert, obstruct, or change the natural flow or bed of any fresh or salt water of the state.
- State Environmental Policy Act (SEPA) Checklist: Required for all non-exempt government actions. Statutory exemptions are listed in [Chapter 43.21C RCW](#) and categorical exemptions are listed in [WAC 197-11-800 through 890](#).
- Other city, county, state, or federal permits.

Thank you for doing business with the State of Washington Department of Natural Resources.

DNR Website: <http://www.dnr.wa.gov/Pages/default.aspx>